

MICHAEL C. HETHEY, ESQ.
Nevada Bar No. 5668
HAROLD J. ROSENTHAL, ESQ.
Nevada Bar No. 10208
THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER
1100 East Bridger Avenue
Las Vegas, NV 89101-5315
Tel.: (702) 366-0622
Fax: (702) 366-0327
mch@thorndal.com
hjr@thorndal.com

Attorneys for Defendants
GILTNER TRANSPORTATION, INC.;
GILTNER LOGISTICS SERVICES INC.;
and GILTNER, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VICTORIANO RAMOS; THERESA RAMOS,
Plaintiffs,

vs.

GILTNER TRANSPORTATION, INC.;
GILTNER LOGISTICS SERVICES INC.;
GILTNER, INC.; PROGRESSIVE
LOGISTICS, INC.; GARY ROBERT NAIR;
DOES 1-200; and ROES 201-300,
Defendants.

CASE NO. 2:21-cv-01446-RFB-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(THIRD REQUEST)**

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES
(SECOND REQUEST)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs
VICTORIANO RAMOS and THERESA RAMOS and Defendants GILTNER
TRANSPORTATION, INC.; GILTNER LOGISTICS SERVICES INC.; and GILTNER, INC.,
by and through their respective undersigned counsel of record, pursuant to Local Rule 26-1,
that discovery and related deadlines be extended 120 days. This is the Parties' **Third Request**
for a continuance of discovery deadlines.

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I. SUMMARY OF THE CASE

This case arises out of a collision between a tractor-trailer and Toyota 4Runner on May 14, 2019 on US-93 at or near Mile Marker 63. At the time of the accident, Plaintiffs VICTORIANO RAMOS and THERESA RAMOS were residents of the State of California, County of Los Angeles. Defendants GILTNER TRANSPORTATION, INC. and GILTNER LOGISTICS, INC. are Idaho Corporations. Defendant GILTNER, INC. was an Idaho Corporation which has been inactive since January 2, 2001. Plaintiffs named GARY NAIR as a Defendant; however, he has since been dismissed as he is deceased as of July 13, 2020.

On May 7, 2021, Plaintiffs VICTORIANO RAMOS and THERESA RAMOS filed a Complaint in the Eighth Judicial District Court for Clark County Nevada alleging causes of action for Negligence – Personal Injuries; and Negligent Hiring, Retention, Training and Supervision. Defendants GILTNER LOGISTICS, INC. and GILTNER, INC. were served by Certified Mail Return Receipt Requested and received the Summons and Complaint on July 6, 2021 and Defendant GILTNER TRANSPORTATION, INC. was personally served on July 21, 2021. On August 4, 2021, Defendants filed a Petition for Removal to Federal Court [ECF No. 1] and the matter was thereafter removed to Federal Court and assigned to the Honorable Judge Richard F. Boulware, II. Also, on August 4, 2021, Defendants filed their Answer to Complaint [ECF No. 7]. On August 20, 2021, Plaintiffs filed the Discovery Plan and Scheduling Order [ECF No. 9]. On September 22, 2021, Defendants filed a Stipulation and Order for Dismissal Without Prejudice of Defendant Gary Robert Nair Only [ECF No. 14] and the Court granted same on September 23, 2021 [ECF No. 15].

II. DISCOVERY COMPLETED TO DATE

- The Parties have served Initial Disclosures and documents.
- The Parties have propounded Discovery Requests.
- Plaintiffs responded to Discovery Requests.
- Defendants responded to Discovery Requests.

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1 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

- 2 • Custodian of Records Subpoenas Duces Tecum to each of the Plaintiffs' various
- 3 providers;
- 4 • Supplement FRCP 26(a)(1) Disclosures;
- 5 • Retain and Designate Experts and Rebuttal Experts;
- 6 • Depositions of the Parties;
- 7 • Depositions of Fact Witnesses;
- 8 • Depositions of Plaintiffs' Treating Physicians;
- 9 • Depositions of Plaintiffs' and Defendants' Expert Witnesses;
- 10 • Independent Medical Examinations of the Plaintiffs; and
- 11 • Additional discovery yet to be determined may be necessary.

12 **IV. REASONS WHY THE PARTIES ARE REQUESTING EXTENSION**

13 Plaintiffs reside in Los Angeles, California. Plaintiff VICTORIANO RAMOS is
 14 alleging a significant Traumatic Brain Injury as a result of the underlying accident and the
 15 Parties need to gather his medical records and films as part of the discovery process in this case.
 16 Due to Plaintiff VICTORIANO RAMOS' injuries his attorneys have had significant delays in
 17 getting their clients to sign the necessary medical authorizations to allow Defendants to request
 18 his medical records including the films. These records and films are necessary for both parties
 19 due to the Traumatic Brain Injury claims being asserted by Plaintiff VICTORIANO RAMOS.
 20 Plaintiffs' Counsel are providing those Authorizations on May 5, 2022.

21 Contemporaneously, with this stipulation the Parties are presenting a separate stipulation
 22 to allow Dr. Thomas Kinsora, the Neuropsychologist retained by Defendants, to conduct a Rule
 23 35 Examination of Plaintiff VICTORIANO RAMOS including an interview and testing.
 24 Pending the approval of the Court this examination is tentatively scheduled for June 19, 2022.
 25 Dr. Kinsora will travel to California to conduct this examination in order to make Plaintiff
 26 VICTORIANO RAMOS as comfortable as possible. Following this examination, the parties
 27 have scheduled a mediation with Michael Morehead, Esq. at Judicate West on July 27, 2022,
 28 also in California to make a good faith effort to resolve this matter. It was difficult to find a

mediation date due to the large amount of cases seeking a mediator at this time due to COVID backlog and many cases finally being set for trials this summer and fall.

The Parties believe good cause exists to allow for a 120-day extension of the current deadlines to allow for the proposed Rule 35 Examination, the gathering of the necessary medical records and films and for the parties to participate in the mediation on July 27, 2022 in Los Angeles, California in an attempt to resolve this matter. The Parties seek this extension in good faith and not for the purpose of delay.

V. PROPOSED REVISED DISCOVERY SCHEDULE

	CURRENT DEADLINE	PROPOSED DEADLINE
Amend Pleadings	Closed	Closed
Expert Disclosures	May 31, 2022	September 28, 2022
Rebuttal Expert Disclosures	July 5, 2022	November 2, 2022
Discovery Cut-Off	August 1, 2022	November 29, 2022
Dispositive Motions	August 29, 2022	December 27, 2022
Pretrial Order	September 28, 2022	January 26, 2023

IT IS SO STIPULATED.

1 DATED this 5th day of May 2022.

DATED this 5th day of May 2022.

2 DORDICK LAW CORPORATION

LAW OFFICE OF PETER GOLDSTEIN

3 /s/ Gary Dordick, Esq.

/s/ Peter Goldstein, Esq.

4 Elizabeth A. Hernandez, Esq. (*Pro Hac Vice*)

Peter Goldstein, Esq.

5 California Bar No. 204322

Nevada Bar No. 6992

6 Gary A. Dordick, Esq. (*Pro Hac Vice*)

10161 Park Run Drive, Suite 150

7 California Bar No. 128008

Las Vegas, Nevada 89145

8 509 South Beverly Drive

Attorney for Plaintiffs

9 Beverly Hills, CA 90212

VICTORIANO RAMOS and THERESA

10 *Attorneys for Plaintiffs*

RAMOS

11 VICTORIANO RAMOS and THERESA

12 RAMOS

13 **ORDER**

14 IT IS ORDERED that ECF No. 27 is
15 DENIED as duplicative of ECF No. 26.
16 It appears the parties accidentally filed
17 the same stipulation to extend
18 discovery twice, as opposed to filing a
19 stipulation for a Rule 35 exam.

20 IT IS SO ORDERED

21 DATED: 9:46 am, May 09, 2022

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23 BREND A WEKSLER
24 UNITED STATES MAGISTRATE JUDGE